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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,159	07/22/2003	Choong-Yup Kim	1544.010	6487
29338	7590	06/15/2004	EXAMINER	
PARK & SUTTON LLP 3255 WILSHIRE BLVD SUITE 1110 LOS ANGELES, CA 90010			NASH, BRIAN D	
			ART UNIT	PAPER NUMBER
			3721	

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/624,159

Applicant(s)

KIM, CHOONG-YUP

Examiner

Brian D Nash

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 07/22/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Both claims are exact duplicates of the respective previous claims 3 and 9.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4, 7, and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,520,335 to Moran et al. Moran et al show the same invention including a method for packing two different materials wherein the different materials are hermetically packed into different

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flexible packs (101,102) and the two packs are then put into a container (130), the container (see Fig. 3 and column 3 line 30 to column 4, line 44).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-3 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,520,335 to Moran et al. As discussed above in this office action, Moran et al discloses the same invention substantially as claimed, but does not specifically disclose the inner packs (101,102) being made of an aluminum sheet having a polyethylene film adhered to. However, Moran et al does disclose the inner packs to include an outer layer of polyethylene and Moran et al further explain the pouch to be constructed so as to possess substantial strength and chemical barrier properties to avoid unwanted reactions between the components. Lastly, Moran et al disclose that other films are known in the art and suitable for use in meeting the strength and barrier requirements of the package (see column 4, lines 2-12).

It would have been obvious to one having ordinary skill in the art at the time of the invention to have incorporated an aluminum sheet with polyethylene since it is well known in the art to use aluminum foil when making flexible pouches.

Regarding claims 3 and 9 and the limitation that the inner packs have incision grooves formed at their upper portions the examiner notes that Moran et al disclose an embodiment of the

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inner pack that lacks a stem and cap arrangement and can be sealed on all sides (not shown).

Moran et al do not specifically show an incision groove on the pouch; however, Official Notice is taken that both the concept and use of an incision groove on a flexible pouch are well known and expected in the art.

It would have been obvious to have included an incision groove in combination with a tear strip as an alternate method of sealing the flexible inner pouches as this method of sealing, shipping, and storing pouches is well known in the art.

7. Claims 5-6 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,520,335 to Moran et al in view of US 5,564,599 to Barber et al. As discussed above in this office action, Moran et al discloses the same invention substantially as claimed, but does not show the outer container to be box-shaped or foldably processed so that it can be kept in a folded state after its contents are removed. Barber et al teach a foldably processed and box-shaped shipping container made from molded, plastic resin boards.

It would have been obvious to one having ordinary skill in the art at the time of the invention to have incorporated the shipping container of Barber et al with the method of Moran et al so that the shipping container could be reused.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lieberman, Clark, Cormier et al, Stupar, Page et al, and Quirion are cited to show related references.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Nash whose telephone number is (703) 305-4959. The examiner can normally be reached on Monday – Thursday from 8 a.m. to 5 p.m.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached at 703 308-2187.

The fax number for this Group is: 703-872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

Brian D. Nash
9 June 2004



SCOTT A. SMITH
PRIMARY EXAMINER